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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/551,399	04/17/2000	Christopher J. Chase	03493.86913	1414

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EXAMINER

HOM, SHICK C

ART UNIT	PAPER NUMBER
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2661

DATE MAILED: 04/10/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/551,399

Applicant(s)

CHASE ET AL. 

Examiner

Shick C Hom

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 February 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-72 is/are pending in the application.
- 4a) Of the above claim(s) 1,3,4,11-20,23-30,33,36,38-51 and 53 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2,5-10,21,22,31,32,34,35,37,52,54 and 55 is/are allowed..
- 6) ☒ Claim(s) 56-72 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 18, 19.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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**DETAILED ACTION**

***Response to Arguments***

1. Applicant's arguments filed 2-07-02 have been fully considered but they are not persuasive.
2. Upon reconsideration, the amendment of 2-07-02 has been entered and the finality of the previous office action has been withdrawn.

***Information Disclosure Statement***

3. The information disclosure statement filed 7/25/01 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because the publication date of documents were not provided for those not initialed by the examiner. It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of

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filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609 ¶ C(1).

***Specification***

4. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claim 68 is rejected under 35 U.S.C. 102(b) as being anticipated by Mavraganis et al.

Mavraganis et al. disclose all the subject matter now claimed. Note col. 2 line 57 to col. 3 line 14 which recite a switched access to frame relay whereby each data link connection identifier DLCI corresponding to permanent virtual connection PVC

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are connected to a plurality of destinations clearly anticipate the method including the step of switching frame relay data packets responsive to a DLCI whereby each DLCI corresponding to a plurality of destinations as in claim 68.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and

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potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

8. Claim 69 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mavraganis et al. as applied to claim 68 above, and further in view of Focsaneau et al.

Mavraganis et al. did not recite the destinations includes virtual private network as in claim 69.

Focsaneau et al. teach that it is known to provide access in network service providers to various other private networks using PSTN as the access as set forth at col. 2 lines 45-61 in the field of digital and multiplex communications for the purpose of providing access to telecommunications networks in multi-service environment having a simpler and more transparent delivery of information on an end-to-end basis which clearly anticipate the virtual private network as in claim 69.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the virtual private network as taught by Focsaneau et al. to the system of Mavraganis et al. because Focsaneau et al. teach the desirable advantage of providing simpler and more transparent delivery of information on an end-to-end basis and said simpler delivery of

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information being desirable to achieve efficient system operation in Mavraganis et al.

9. Claims 56, 61, and 65-67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hauser et al. in view of Mavraganis et al.

Hauser et al. disclose nearly all the subject matter now claimed. Note col. 12 line 61 to col. 13 line 4 which recite a distributed switching architecture having means for offering within a quality of service, multiple priority levels with different categories of service, whereby in each quality of service, the highest priority is typically given to connection/network management traffic, as identified by the cell header, the second highest priority is given to low bandwidth, small burst connections, and third highest for bursty traffic clearly anticipate header data comprising service category indicator and switching being responsive to the header data as in claim 56 and the step of discriminating between quality of service categories as in claim 61. Col. 13 lines 56-65 which recite the frame relay setting including Internet traffic clearly anticipate the user data comprising IP address as in claims 65 and 72, the frame relay data packets as in claim 66. Col. 19

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lines 64-65 which recite the ATM cells clearly anticipate the ATM data packets as in claim 67.

Hauser et al. did not recite each service category indicator corresponding to a plurality of destinations as in claim 56.

Mavraganis et al. teach that it is known to provide a switched access to frame relay whereby each data link connection identifier DLCI corresponding to permanent virtual connection PVC are connected to a plurality of destinations as set forth at col. 2 line 57 to col. 3 line 14 in the field of digital and multiplex communications for the purpose of reducing cost to user by allowing calls to be set-up when needed allowing access by many callers in a switched access which clearly anticipate the each service category indicator corresponding to a plurality of destinations as in claim 56.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide correspondence of each service category indicator to a plurality of destinations as taught by Mavraganis et al. to the system of Hauser et al. because Mavraganis et al. teach the desirable advantage of reducing cost to user by allowing calls to be set-up when needed and said reducing cost to user being desirable to achieve more cost efficient system operation in Hauser et al.



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10. Claims 57-60, 62-64, and 70-72 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hauser et al. in view of Mavraganis et al. as applied to claims 56 and 61 above, and further in view of Focsaneau.

Hauser et al. in view of Mavraganis et al. did not teach the use of a virtual private network responsive to user data as in claims 57-60, 70, 72, the multicast data, voice data, and video data as in claims 62-64, and 71.

Focsaneau et al. teach that it is known to provide access in network service providers to various other private networks using PSTN as the access as set forth at col. 2 lines 45-61 in the field of digital and multiplex communications for the purpose of providing access to telecommunications networks in multi-service environment having a simpler and more transparent delivery of information on an end-to-end basis which clearly anticipate the virtual private network as in claim 58-59.

Further, col. 2 lines 37-44 which recite the use of multimedia broadband switched networks for carrying different types of traffic, i.e. voice, data, and video information including the use of broadcasting and multicasting through the circuit switched network and accessing the Internet via the PSTN and whereby the network service providers provide access to various other private

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networks, academic networks etc., which contain vast numbers of databases for value added services clearly anticipate the service category indicator as in claim 56, the virtual private network responsive to user data as in claims 57-60, 70, the multicast data, voice data, and video data as in claims 62-64, and 71.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use frame relay data packets including use of a virtual private network responsive to user data, the multicast data, voice data, and video data as taught in Focsaneanu et al. to the system of Hauser et al. in view of Mavraganis et al. because Focsaneanu et al. teach the desirable advantage of providing a more flexible and adaptable access to telecommunications network in a multi-service environment and said more flexible and adaptable access being desirable to achieve less wasteful of resources and more efficient system operation in Hauser et al. in view of Mavraganis et al.

***Allowable Subject Matter***

11. Claims 2, 5-10, 21-22, 31-32, 34-35, 37, 52, and 54-55 are allowed.

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**Conclusion**

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Takahashi et al. disclose a multi-connection management method and apparatus for switch system.

13. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

(703) 872-9314, (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (2600 Receptionist at (703) 305-4750).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shick Hom whose telephone number is (703) 305-4742. The examiner's regular

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work schedule is Monday to Friday from 8:00 am to 5:30 pm EST and out of office on alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas Olms, can be reached at (703) 305-4703.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

SH

March 28, 2002

  
DOUGLAS OLMS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600